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THE
PROTESTATION
OF THE GENERALL
ASSEMBLY OF THE KIRKE
OF SCOTLAND, AND OF
THE NOBLEMEN, BARRONS,
GENTLEMEN, BORROWES,
MINISTERS AND COMMONS;

Subscribers of the Covenant
lately, made at the Mercate Crosse
of *Edinburgh the 18. of Decem-*
ber. 1638.



Printed at EDINBURGH by JAMES BRYSON;
in the year of GOD, 1639.

THE
PROTESTATION
OF THE FREE
ASSEMBLY OF THE
OF SCOTLAND, AND OF
THE LORDS, BISHOPS,
CLERGY, AND COMMONS,
IN PARLIAMENT ASSEMBLED.

Subscribers of the Covenant
made at the Mount Cross
of Edinburgh 17th of Decem-
ber 1643.



Printed by James Ballantyne
in the year of God, 1839.

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THE
PROTESTATION
OF THE GENERALL
Assembly of the Kirke of
Scotland, &c.



E Commissioners from Presbyteries, Burghes, and Universities, now conveened, and yet sitting in a full and free Assembly of the Kirke of Scotland, indicted by his Majestie, and gathered together in the name of the Lord

Iesus Christ the only Head and Monarch of his own Kirke; And We Noblemen, Barons, Gentlemen, Ministers, Burgeses and Commons, Subscribers of the Confession of Faith, Make it known; that where We His Majesties loyall Subjects of all degrees, considering and taking to heart the many and great innovations and corruptions lately by the Prelats and their adherents introduced into the doctrine, worship, and discipline of this Kirke, which had been

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before in great purity, to our unspeakable comfort established among us, Were moved to present many earnest desires and humble supplications to his sacred Majestie, for granting a free generall Assembly, as the only legall and ready mean to try these innovations, to purge out the corruptions, and settle the disorder of the Kirke, for the good of religion, the honour of the King, and the comfort and peace of the Kirk and Kingdome: It pleased his gracious Majestie out of his Royall bounty, to direct unto this Kingdome, the Noble and Potent Lord *James Marquis of Hamilton*, with Commission to hear and redresse the just grievances of the good subjects: who by many petitions and frequent conferences, being fully informed of the absolute necessity of a free generall Assembly, as the only judicatory which had power to remedie those evils, was pleased to undergo the pains of a voyage to *England* for presenting the pitifull condition of our Kirk to his sacred Majestie; And the said Commissioner his Grace returned again in August last, with power to indict an Assembly, but with the condition of such prelimitations, as did both destroy the freedome of an Assembly, and could no wayes cure the present diseases of this Kirk. Which was made so clearly apparent to his Grace, that for satisfying the reasonable desires of the Subjects, groaning under the wearinesse and prejudices of longsome attendance, He was again pleased to under-take another journey to His Majestie, and promised to endeavour to obtaine a free Generall Assembly, without any prelimitation, either of the constitution and members, or matters to be treated, or manner, and order of proceeding: so that

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if any question should arise concerning these particulars (whereof the power of revelling Elders as a part of the constitution, and the examination of Episcopacie as a present question to be moved, was exprest, albeit now the *Commissioner* hath pretended the famine for the greatest causes of His ryling and away going from the Assembly) The famine should be cognosced, judged, and determined by the Assembly, as the only judge competent. And accordingly by warrant from our Sacred Sovereigne returned to this Kingdome, and in September last caused indict a free Generall Assembly to be holden at *Glasgow*, the 21. of November last, to the unspeakable joy of all good Subjects, and Christian hearts, who thereby did expect the perfect satisfaction of their long expectations; and the finall remedie of their pressing grievances. But these hopes were soone blasted, for albeit the Assembly did meet and begin at the appointed day, and for the space of seven dayes sitting was countenanced with his Graces personall presence, yet his Grace did never allow any fredome to the Assembly, competent to it by the Word of God, acts and practise of this Kirk, and his Majesties indiction, but did labour to restrain the famine during the time of His abode there, by protesting against all the acts made therein, and against the constitution thereof by such members, as by all law, reason, and custome of this Kirk, were ever admitted as members constituents of our free Assemblies: and by denying his approbation to the things proponed and concluded, though most cleare, customable, and uncontroverred. And further his Grace after the presenting and reading of His own commission from our Sacred Sovereigne,

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raigne, and after His seeing all our commissions from Presbyteries, Burghes, and Universities, produced and examined, and the Assembly constitute in all the members by unanimous consent, did to our great grief, without any just cause or occasion offered by us, unexpectedly depart, and discharge any further meeting or proceeding in this Assembly, under the pain of treason, and after seven dayes sitting, declare all acts made, or thereafter to be made in this Assembly, to be of no force nor strength, and that for such causes as were either than exprest verbally, by his Grace, or contained in a Proclamation made by his Grace, at *Glasgow*, without any warrand of an act of Counsell, contrare to the law and custome of this realme: whereunto we answered by our Protestation of the 29. of November, or otherwayes for such reasons, as his Grace thought meet to alledge, which are since superadded in this late Proclamation, now made at *Edinburgh*, this 18. of December, wherein, for our greater surcharge of sorrow, we are heavily and wrongously blamed and taxed of many great offences.

*Against
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testation.*

And first for making Protestation against the Proclamation made at *Edinburgh* the 22. of September last, whereas our reasons contained in that our Protestation are so forceable and just, to demonstrate the necessity and lawfulnessse of our act, that we judge all good men and Christians will be satisfied therewith, whereanent we remit our selves to our Protestation printed, and will not for shortnes repeat the same reasons here.

And where we are reproached and blamed in this new Proclamation for guarding and watching the
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castell of *Edinburgh*, and impeding to import amunition, or other necessities, to any of his Majesties houses, an act which is exaggerat to be without an example in the Christian world, seeing we deny that liberty to our Sovereigne, which the meanest of us, do assume to our selves. For answer hereunto, we confidently affirme that we are unjustly challenged of all the said points, except for preveening dangers evidently threatned unto us, by circumspect attendance about the castell of *Edinburgh*, which afterward we shall show to be warrantably done: For we declare that we have never made the least stoppe or hinderance to the importation of any amunition, victuall, or thing whatsoever, into any other of his Majesties houses, or castels; Nor for carrying all necessarie sustentation into the castell of *Edinburgh*. Neither hath any of us fortified, or provided any of our private houses for warlike defence; so that all those are heavy, and unjust imputations. But we confesse and grant, that there being some provision and amunition quietly imported into this Kingdome, for furnishing the castell of *Edinburgh*, and intended secretly to have been put therein, We have carefully preveened the same by our diligent attendance. And that for such reasons, grounded upon equity, the law of nature, and municipall laws and acts of Parliament of this Kingdome, and the loveable example of our predecessours: For the truth is that having petitioned his Majestie for redresse of our just grievances, and a legall tryall thereof, before we received any answer thereunto, all possible means were used to dissolve that union, which was made amongst us, for that good cause, and to impend all our meetings from deliberating

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berating thereupon, wherein the town of *Edinburgh* made a considerable part, not only as an important member of this conjunction, but as a most commodious and ordinarie place of our meetings, so that when all other means of perswasion had failed; the means of terrour was not left unassayed: And for that effect a great quantity of amunition was brought by sea from forrane parts to have been clandestinely imported into the castell of *Edinburgh*, as no doubt it was intended, seeing the famine was unloaded in the dead time of the night: And we considering that in case the famine had been imported into the castell, with other provision and store formerly therein, the famine might have been used and employed for the overthrow of that place, and tended to our great prejudice by with-drawing them, upon that terrour, and displacing us from our ordinary meetings, upon these reasons and considerations we prevented the famine by such a loyall way as cannot be offensive to authority: *For the safety of the publick is the end of all lawfull power, and supreme law.* And the adversaries of our Religion having formerly boasted by that provision, so to furnish the castell, that it might beat down the town of *Edinburgh*, and bar the supplicants from meeting therein, we had just reason to hinder that setter of slavery to be put upon the town; and that the castell of *Edinburgh* which is amongst the first strengths of the land against forrane forces, might be turned as a speciall engine of constraint against the Subjects, to hinder their lawfull meetings, or to force the town of *Edinburgh* to separate from the rest of the supplicants. Which great prejudice the law of nature teacheth us, to avoid, and yet

yet we have not proceeded therein without the warrant of the acts of Parliament.

For First where there is any violent presumption of spoyling of the countrey, It is ordained that the Lievtennant raise the countrey, and passe to such castels and fortalices where there is any unrulie men, and take soverty of the persons within these houses, that the countrey and all the Kings lieges be unharmed, and unskathed of the saids houses, and of them who inhabits the samine from time furth: And if any make difficulty to be arrested and finde soverty as law-will, they shall be streinyed thereto. *James* 2. Par. 2. act 3. And therefore now seeing there is not only violent presumption, but great minassing, from the adversaries of the truth and countrey, and their adherents, of the breaking of the countrey and harming of the samine; And especially his Majesties lieges within *Edinburgh*, by the extraordinary provision of munition to the castell of *Edinburgh*, and that by the saids Bishops plots from his Majesties prime officers, who in his Majesties absence should preveen that inconvenient by the ordinance of that act: Therefore upon their default the countrey it self and the Kings lieges in whose favours the act is made, may provide for their own safety, and keep themselves unharmed by that castell, or any inhabitants thereof, and so preveen the importation of a munition thereunto conforme to the said act of Parliament.

Secondly as the castell of *Edinburgh* and certaine other castels and lands are the Kings undoubted annexed property, so it is to be considered for what cause they were annexed, by whom annexed, upon

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what condition, and how to be disposed upon. For the only cause exprest in the annexation thereof 41. act. James 2. Par. 11. is that the poverty of the crown, is oftymes the cause of the poverty of the realme: Which act makes no mention that the King was annexer of the castels and lands to the crown, but only that by the advise of the full Councell of the Parliament it was so statute and ordained, And appointes that they may not be disposed upon, without advyse, deliverance, and decreet, of the whole Parliament, for great, seen, and reasonable causes of the realme. So that being thus annexed to the crown be the realme it self, for avoyding an inconvenient to the realme, and being annexed with condition not to be disposed upon without the advise and decreet of the whole Parliament, and for great, seen, and reasonable causes of the realme; justice and equity will require, that these castels should not be made an instrument of the poverty and desolation of the capitall town of the realme, and of the harme of the most considerable part of the body of the realme there conveened, for supplicating his Majesty, and the Councell, and preparing overtours to the future Parliament, for redresse of our just grievances. But now by this extraordinary provision to the castell, being threatned with ruine and exterminion, they may stop the misimploying of that benefite granted be the realme *eo animo & ad hunc finem*, for the well of the realme, while the Parliament of the Kingdome give their humble advise to his Majesty thereanent.

Thirdly by the 9. act 9. Par. James 6. It is acknowledged that the castle of *Edinburgh, Dumbartane, Stirling,* and

and *Blaknesse*, are foure chief strengths, of the realme which ought to be safely kept to the Kings behove, & wellsaire of the realme: And for keeping the castle of *Edinburgh*, there is assigned with consent of the estats both money and victuall, a great part whereof is furth of the thirds of benefices, which thirds in December 1561. were decerned and ordained by Queen *Marie* with advise of her Councell, and others of the Nobility then present to be uptaken and imployed for these two uses: viz. Sustaining of Ministers, and entertaining and setting forward the common and publick affairs of the countrey and common-wealth of the realme: which was also enacted act 10. Par. 12. *James 6.* and thereafter ratified act 121. Par. 12. *James 6.* Whereby it doth appear that as the castell is the Kings undenyable annexed property, so it is also a strength of the realme, which should be safely kept to his Majesties behove, and wellsaire of the realme, having for the keeping thereof rents assigned with consent of the three estates of the Kingdome forth out of the thirds of benefices, estimate be the estates *in eum usum*, for entertaining and setting forward the publick affairs of the countrey and common-wealth of the realme. And consequently the most loyall part of the body of the realme hath maine interest, to divert the converting of this strength to the weakning or ruine of the realme or any member thereof, threatened by this unusuall provision, and openly denounced by our said enemies.

Fourthly by the 125. act 7. Par. *James 6.* It is acknowledged that the Kings castels and strengths are the keyes of the realme: and the only use of keyes is for keeping together in safety and preservation, and

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not for spartling, dispersing, or perdition. So that the realme and collective body thereof can hardly be disallowed for contributing their loyall endeavours to the good keeping of their own keyes, when contrary to the right end these keyes are used against the countrey and realme; whereof they should be, and are the keyes of safety: as be the said act is declared.

Fifthly by the same act, all violent detainers of the Kings castles from him, or constrainers of the Kings regents to redeeme his own houses, and all makers of any such bargane, merchandice, or market of the Kings castles: Are only ordained to rander and deliver again what they have received for reddition of the saids castles, and that the King shall have action for repetition thereof as necessarily given for the time, and wrongously received for unlawfull causes. And our proceedings being compared with the subject of that act of Parliament cannot deserve so harsh constructions, where the best part of the body of the realme being constrained for indemnity of their persons and goods, do neither take nor detain the castle, but only with-hold importation, first clandestinely intended, and thereafter openly threatned, of all kinde of warlike and invasive furniture: which could be usefull to no purpose, but to the harm and annoyance of those who were convened for the just occasions foresaid, who deserve and expect approbation and thanks from his Majesty in His own due time, for keeping His evill counsellours, and bad patriots, from putting hand in His best Subjects.

Sixthly by the 25. act, 6. Par. *James 2.* sundry points of treason are enumerate: And amongst the rest one is the assaileing without consent of the
estates

estates the castles or places where the Kings person shal happen to be. And now the Kings person not being in this castle, but out of the countrey, and the best and most loyall part of His Subjects both for number, and fidelity, imploring his Majesties authority, for convocating the estates, to take order with these, who presuming upon his Majesties absence, are bold to give him sinistrous information and counsell, these who do no wayes assaile the castle, but bars these evil patriots from putting in execution their damnable suggestions by their supercherie violence and terrifications from that castle, before the convention of estates, cannot in law and equity be challenged in their carriage so necessary to them in the *interim*, while the estates convene in a Parliament: which now his Majestic hath been graciously pleased to proclaim.

Seventhly it is known by our Chronicles and Records, that the castle of *Edinburgh* was given in keeping to the house of *Erskine* by the King and estates of Parliament, *hac lege expressa & conditione, ut nulli nisi conventui ordinum reposcenti traderent.*

Eighthly this act is not unexampled in the Christian world: but hath many presidents both in the history of other Kirks and Kingdomes, and of our own, which hath many such examples even done by the estates themselves: whose fact doth make our right, and whose authority is ratified conforme to the ancient and loveable custome, in punishing rebellious Subjects, and preserving the faithfull, act 130. Par. 8. *James 6.*

In the next place we are upbraided for our meetings: which in the Proclamation are called Councell tables

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tables only, by that name which by ordinary expref-
fion is due to judicatories: to make it beleeved, that
we have arrogate to our selves some unwarrantable
power and authority; (which we neither have nor
intends to do Godwilling) whereas the truth is that
in a matter fo highly importing all of us, as the pre-
fervation of religion and purity of Gods worship, it
was moft neceffary for us to meet, and that in a sober,
modest, and quyet way, for deliberating with joynt
advife upon thofe weighty bufinesses for the good
of the Kirke, his Majesties honour, and peace of the
Kingdome: And thofe meetings did never emit nor
send forth any authoritative command or injuncti-
ons, but conclude upon fuch advifes as might be
moft expedient for advancing that great bufinesse,
and facilitating the way of fupplication to his Maje-
ftie, and overtours for the Assembly and Parliament,
which was an aët lawfull and approveable in the felf,
albeit the conclufions thereof did not cary the force
or validity of a binding law or command, which was
never aimed at, nor intended. Which meetings they
might warrantably keep for that end, being for Gods
glory, and removing the juft grievances of the Sub-
jects, nowayes prohibited by any of our municipall
laws, which difapproveth fuch conventions as are
for difturbance of the peace, or ufurpation againft au-
thority, whereof neither of the two can be alledged
againft thefe meetings. Not the firft becaufe no in-
vafion, violence, offer of wrong, by word or deed,
ro any perfone, no even to thofe, upon whom they
juftly complain, enfewed upon the fame, notwith-
ftanding of their provocations, and their fears falfly
reprefented to his Majesty, and maliciously pretend-

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ed for their stay out of the country. Not the second: because their meetings was to consult in manner foresaid upon the most fitting and humble way of supplicating his Majestie, and for the most convenient propositions to be represented to his Majestie, the Parliament, and Assembly: all which acts are most comparable with the loyalty and duety of good Subjects, and do nowaies intrinche upon authority, seeing they can never be challenged to have assumed to themselves any judicall determination in any matter of state civill nor ecclesiasticall, but by voluntary instructions and opinions every one to another in a common cause of religion, did resolve what might be most conduceable to their lawfull and just ends. And yet those conventions want not the warrant of law and authority, because they consist of the Nobility, Barrons, Burrows, and Ministerie, which by the fundamentall laws of the land, have place of proponing, reasoning, and voting in Parliament and Assemblies, act 113. King *James* the 6. Par. 11. wherein is acknowledged that it is necessary to the King and his estates to be truly informed of the needs and causes pertaining to His loving Subjects in all estates, and therefore ratifieth the act made by King *James*, 1, anno 1427. Giving power to Barrons, to propone all and sundry needs, and causes, and to hear, treat, and determine all causes to be proponed in Parliament: which necessary and true information cannot be made to his Majestie and estates, without privy meeting and consultation: and consequently it being granted to them, to informe the King, and estates, and to propone, hear, treat, and finally determine all needs and causes to be propon-

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ed in Parliament, there must be necessarily understood to be a sufficient power granted to them for meeting and advising upon that information: *Quia aliquo concessio, omnia concessa videntur, sine quibus concessum expediri nequit.* And as to the Ministers they have likewise power granted to them, not only by the word of God and constitutions of the Kirke, but by the King and laws of this land, to propone, reasone, and vote in Assemblies, and be the samine parity of reasone to keep preceeding meetings, not to determine or execute, but to consult upon their necessary propositions: So that these lawfull meetings for the religious end, suffer wrongously the invidious designation of Councell tables: which is only done for procuring misconstruction against them; Because at these meetings and consultations they sat about a table, which posture is no wayes prejudiciall to authority, the meanest of mechanik crafts having their own tables whereabout they sit, when they consult upon the smallest businesse importing their trade. And farder these same meetings consisting of commissioners from each Sherifedome and body of this estate, were allowed by his Majesties Councel first, & thereafter by the Commissioner his Grace: In so far as the whole Subjects of this Kingdome out of their resentment of the weight of this cause, having numerously convened at *Edinburgh*, from all the parts of the Kingdome, that confluence of people was desired to be dissolved, and directed to make choofe forth of that great number of some commissioners from each shyre who might meet to represent their just grievances and desires, and attend the answers thereof.

The third particular challenge in the Proclamation, is for the illegall and unformall course taken in the election of commissioners to the Assembly, whereof some are alledged to have been under the censure of this Kirke, some under the censure of the Kirke of *Ireland*, some banished for teaching against Monarchie, others being suspended, some admitted to the Ministry contrare to the laws of this Kingdome, others at the horne, some confyned, and all by oath bound to the overthrow of episcopacie; whereunto although no answer be requisite, seeing the persons thereby meaned, are not specially condescended upon, yet for clearing all mens mindes, and showing the warrantableness of our proceedings, it is of truth that the Assembly after particular tryall which they took upon some such surmises, could not finde any censured by the Kirke of *Scotland*, or *Ireland*, by a lawfull manner, in a lawfull judicatory, or for a lawfull cause: But on the contrary, the Assembly after carefull searching and examination, found that any censure inflicted upon any of these persons in *Scotland* was only by a Bishop (who ought to be punished for taking arrogantly on him the name of the Kirke of *Scotland*) and that without the advise of any Presbitery, but sitting in his high commission (which was condemned by the laws of this Kirke and Kingdome, is discharged by the Kings Proclamation, is one of our just grievances, and a part of the Bishops dittay) and that only for refusing the innovations and corruptions abjured by the confession of Faith 1580. For the censure of the Kirke of *Ireland*, it was not notified to the Assembly by any such objection, and yet out of their zeal and

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care to satisfie all these misinformations whereof they heard some whisperings, they stand after tryall, that these censures inflicted were for the same causes foresaids, and yet could not militate out-with the bounds of that diocie where they were censured in their own law and practise, and none of them were ever banished for any cause, let be for that odious cause pretended in the Proclamation: wherein the mention of horning against some of the commissioners could not be a lawfull exception against them, because horning can neither take away their Ministeriall function, nor deprive the Presbyteries of their voice by their commissioners: But in speciall this horning against the commissioners to the Assembly cannot be respected; because it was done in *Edinburgh* upon a suddenry (upon what intention we permit every one to consider) after all the members of the Assembly were gone to *Glasgow*, and yet Protestation was taken against the famine, and suspensio on craved upon the reall offer of consignation, which, contrare to the commone law and practise of this Kingdome, was unexampledly refused, and publick instruments taken thereupon: All which objections are only now remembered to blemish the proceedings of this Assembly, but were never urged nor proponed in the Assembly, but on the contrare, the Commissiones of all persons were produced, examined, discussed, and approven in my Lord Commissioners own audience, without any contrare voice of the Assembly: And yet upon these challenges much is built against the Assembly, and the famine are aggravate from a preceeding oath, whereby it is alledged that the commissioners were bound to

overthrow episcopall government, which is of the same stamp and mettall with the rest: For the truth is that there was never any oath given, nor exacted, but that which is contained in the Covenant, whereby all was abjured, only in generall, which was contrary to the confession of Faith 1580. leaving to the tryall and determination of the Assembly, whether episcopacie and some other innovations were repugnant to the said confession or not. And at the best it is a bad inference, that one who hath maintained orthodox opinions, and preached against heresie, and error, may not in the lawfull judicatorie voice for condemnation of these errors. And as for the election of Moderatours, admission of Ministers by Presbyteries, and restitution of Elders: The same needeth no answer in this place, being sufficiently cleared by us before, in our answers to the eleventh articles exhibite unto us by the Commissioner his Grace; Which answers were so satisfactory, that after the receipt of the same, his Grace promised to procure a free generall Assembly, with power to determine upon all questions anent members, matter, and manner of proceeding. And are further cleared in the book of Policie, and other acts already cited in our particular answer to the declinator of this Assembly produced by the Bishops: All which is approved by this generall Assembly, and all acts carrying appearance of contrariety thereto upon undeniable grounds are declared to be null *ab initio*.

The fourth act rubed upon us to our prejudice by the Proclamation, is the sending from the tables of instructions, whereof the heads are summarly expressed, which his Grace indeed did show to the As-

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sembly, and then the members of the Assembly declared that neither of these papers were ever sent from the meetings at *Edinburgh* to any man in their knowledge, and yet for the first (which possibly might have been some private direction of one friend to another, without common advise) It doth not contain any thing offensive or partiall. For the phrase of losing of our Christian and civill liberty, might be warrantably exprest in relation to our former bondage and slavery, under the Prelats tyranizing in their high Commission, whereby most summarly at their own pleasure they deprieved, fyned, and confyned all persons and professors, with such an high hand as justly we might affect deliverance from that servitude, which was likely more to enteresse by the unlimited power usurped in their Canons: So that the desire of this liberty cannot be judged an affectation of licentious living without subjection to lawfull authority, which in our solemn Covenant with God we have sworn to maintaine. And as for the other paper: the same is the forgerie of our enemies presented to the Commissioner his Grace, of deliberate purpose to make a pretext for discharge of the Assembly, which we are sory was so readily embraced, notwithstanding that when the same was produced by the Commissioner, the same was not only cleared to bee no draught sent by publick advise, but the members of the Assembly, and even those whom his Grace most suspected, denyed the same, and offered to controll it by production of the true paper of their instructions, altogether disagreeing from that other, produced by the Commissioner, except in the two poynts following, which had been

been craftily intermixed with the saids untruths, to give them some countenance of probabilitie. Likeas they professed to his Grace, upon their oath, that they had never seen the same before, nor ever read any of the articles therein contained in any other paper, except the fourth and the eighth articles, whereof the fourth, was for eschewing as far as might be; Chapel-men, Chapter-men, and Ministers Iustices of peace, from being chosen Commissioners to the Assembly: which was so reasonable, that none could be offended thereat, because Chapel-men had approved, and without warrand of this Kirk, practised the innovations introduced of late; the Chapter-men had practised the booke of ordination, and (contrare to the acts of the Kirke discharging Chapters, and their election of Bishops 1578) had approved the corruptions of Kirk government, and Ministers Iustices of peace had likewise accepted that civill office upon them, whereunto they were promoted for the most part as creatures and dependers of Bishops. And the eighth wherein some are desired to study the points which were likely to be agitate in the Assembly, as *de Episcopatu, de senioribus*, and among other points, *de potestate supremi Magistratus in Ecclesiasticis, praesertim in convocandis conciliis*, whereat none can take just exception, because it was the duty of every member of that Assembly to instruct & enable themselves for agitating every point, which might occur to be spoken of thereby any, or been proponed by the Doctors of *Aberdene*, who were expected there and commanded to study these poynts: So that this ought not to be wrested to their prejudice, seeing it was incumbent to the Assembly to know the precinct of the Kirks.

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Kirks jurisdiction, especially anent their own Assemblies, and to distinguish it from the civill jurisdiction of the supreme Magistrate, giving to God what is Gods, and to Cesar what is Cessars, whereby the soveraigne Magistrate hath no prejudice; but great benefite, to know the extent of his power in matters Ecclesiasticall, lest either he should come short of what is due to him, or for want of true information inroach upon the liberties of Christs Kirk: whereby it is most evident that no indirect nor partiall courses, nor dangerous propositions have been used in the preparations and elections to this Assembly, but such as are most legall, peaceable, ordinar, and warrantable.

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In the next place the Proclamation charges our innocency for repairing to the Assembly with great troupes and bands of men bodden in fear of war, and furnished with forebiddon armes, in contempt of a preceeding Proclamation: whereas the truth is that our going and repairing to *Glasgow* was in the most peaceable, quyet, and single way which might serve for our security and indemnity against sundry out-laws, *Clangregors*, and their followers, who shortly before the meeting of the Assembly, had done sundry outrages, and committed many insolencies upon the Kings good Subjectes in these Westerne parts, both to private men, whom by their number they might enforce, and by exacting moneys at publicke mercats near *Glasgow*, whereof many were advertised by their private friends from these places, and to come thither prepared for eviting all affront or hazard which they might incur by that rascallie multitude: So that being firmly resolved of before to

go thither every one accompanied with his own ordinary private traine, we yet continued in that resolution, and went thither in most sober and quyet way, only with this change, that for preveening that hazard, we went not every man alone with his own ordinary servants, but some few together went in company, which is not only ordinary in going out the way; but was most expedient at that time; for avoyding the foresaid hazard and prejudice: which moved us all, so to cary with us some offensive weapons, wherewith not only these rebels were provyded: But likewise such who went to *Glasgow* with his Majesties Commissioners: who upon that same necessity were likewise provided with those prohibited weapons, and yet there carriage nothing thought to deboird from the duty of good Subjects. Upon these reasons some of the supplicants being present in *Edinburgh*, at the making of the said Proclamation 16. of November last, did protest that it might be lawfull for them to cary weapons for their own defence, and preservation against any such lawlesse invasion or violence as might threaten them, and that they might incure no prejudice by carying such weapons as those who followed Councillours and many others did, promising to cary themselves peaceably and irreproveably during the time of the Assembly, which accordingly they have done: and seeing our said carying of weapons was for defence of our lives, against the invasion of these barbarous forners, we are not censurable therefore, by the act of Parliament prohibiting the saids weapons; Because we was repairing to, or returning from the Assembly at command of his Majesties letters and authority.

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rity which is in speciall words exprest in the act of
 Parliament act 18. Par. 1. *James 6.* which is thereaf-
 ter ratified with the same provisions, act 87. Par. 6.
James 6. and thereafter also ratified act 248. Par. 15.
James 6. likeas be the 227 act, Par. 14. *James 6.* All
 honest men, and good Subjects free holders, are au-
 thorized with a commission to take and apprehend
 the persons and goods of those forners and thieves,
 keep themselves in prison, and execute them to the
 death. And therefore far more to carry weapons for
 resisting of their savage violence.

Athen
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of the Bi-
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And where the formall and ordourly proceeding
 of this Assembly is challenged in the Proclamation,
 as peremptorie, for refusing voice to the six Assessors
 assumed to himself by the Commissioner, and for
 not suffering the declinator by the Bishops to be read
 before the electing of a Moderator, We cannot con-
 ceive the same to be a just cause of offence: Because
 albeit according to our bound duety, We defer all
 humble respect to his gracious Majesties Commis-
 sioner, and to the persons and places of the prime No-
 ble-men, and Councillours his Graces Assessors,
 yet for preservation of the liberty of the Kirke of Je-
 sus Christ, We did in all humility remonstrate that
 his Majesties Commissioner and Assessors, how ma-
 nie-soever (whose place is not to vote, but to assise
 the Commissioner, by their counsell, for His order-
 ly proceeding) could have but only one voice in the
 Assembly: Since after thirty-nine nationall Assem-
 blies of this reformed Kirke, where neither the
 Kings Majestie, nor any in His name were present,
 at the humble and earnest desire of the Assembly, his
 Majestie graciously vouchsafed His presence, either

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in His own royall person, or by a Commissioner, not for voting or multiplying of voices, but as Princes and Emperours of old, in a Princely manner, to countenance that meeting: And to proceed in it for externall ordour: And if we had been honoured with his Majesties personall presence, his Majestie (according to the practice of King *James* of blessed memory) would only have given His own judgement in voting of matters, and would not have called others who had not been cloathed with commission from the Kirke, to carry things by plurality of voices. Which is also imported by his Graces Commission produced, wherein He is nominat sole Commissioner. Likeas also his Majesties Father never had Assesours voiceing in lawfull Assemblies, nor challenged the same to his Commissioners: But only of late dayes in these corrupt Assemblies, which for undeniable reasons are declared to have been null *ab initio*. And as to the refusing of the reading of the Declinator, and Protestation, exh bite by the Prelates: The same was publickly read, and the first act of the Assembly, immediatly after the election of a Moderator and constitution of the members, before the which time there was no Assembly established, to whom the same could have been read, or by whom it could be judged. Likeas we desired his Grace to bring in the Prelates themselves, and we should both answer for their safety, and givethem a full audience.

And further, whereas his Grace under His hand, gave in his Majesties declaration, mentioned in this Proclamation. The same being considered by the Assembly, gave them matter of great joy, to finde

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his Majesties royall heart so far enlarged towards them, as willingly to untie some of these grievous bands wherewith they had been fettered by the means of some who abused their own places, and trust with his Majesty; But the same was not found satisfactory, nor sufficient for establishing of a legall security of the points therein mentionate, nor yet for purging the corruptions, and settling the peace of this Kirke, as was promised, whereof the Commissioner his Grace would not stay to be informed, but did unexpectedly and suddenly remove, to the great grief of the Assembly, who thereby was necessitate to use the power God had put in their hands, for removing all innovations, and settling the purity, and peace of this Kirke. And seeing in this Proclamation his Majesties declaration is insert *ad longum*, and the Assembly taxed for not being fully satisfied therewith, we are enforced to repeat here the reasons, which moved the Assembly not to think the same satisfactory; in hope that they coming to his Majesties sacred ears, may procure the continuance of His benigne favour, so acceptable to this Kirke, by the indication of this Assembly: and production of the said declaration, and obtain His royall approbation to the whole acts and proceedings of this Assembly, which is heartily wished, and would replenish the hearts of all good Subjects with abundant joy and contentment. And first where his Majestic hath discharged the Service Book; and Book of Canons, and practice of both, and all acts, Proclamations, and ordinances made for establishing thereof, upon information that by the introduction of them, the Subjects have apprehended the bringing
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of Popery, & superstition to have been intended. Neither the discharge nor the ground thereof are satisfactory. Not the first, because as some acts and Proclamations did serve for their establishing, so others gave them an high approbation, as fit means to maintain religion and beat down all superstition: And therefore though these which established them be rescinded, yet these which approved them do remaine and may bring forth other acts and Proclamations, for restoring them or the like hereafter, if these books receive not a publick censure by the generall Assembly as the only judge competent to bar them and the like in all time coming: Seing acts of Councell, and Proclamations, are frequent and variable, and yet are no legall valid meane either to introduce or abolish any thing concerning the doctrine and discipline of the Kirke, wherein they neither can meddle nor secure the Subjects, Next seing by the constitutions of this Kirke the generall Assembly hath only power to determine concerning the matters of Gods publick worship: And that the framers of these books, who called themselves the representative Kirk, made them to be practised in sundry places of the countrey by their own authority, and that which they borrowed from the Lords of secret Councell: Therefore it was most necessary that the same should be discharged by the generall Assembly (the only true representative Kirke of this nation) for vindicating her just right from violent usurpation and preventing the like in time coming. Not the second, for the Subjects have just grounds of perswasion that the Prelats and their followers, the framers and followers of these Books, intended the inbringing

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of Popery and superstition by the introducing thereof, because, 1. Many grosse poynts of Popery and superstition are not only closely couched under the cover of ensnaring ambiguities (the most insinuating way of errors and best mask to superstition) But also expressly contained in the Books themselves, as was made manifest by sundry treatises read and considered in the Assembly, and is now so declared by the Assembly. 2. The framers and favourers of these Books in their sermones and conferences have vented sundry Popish errors, and approved Popish superstitions: which fully detecteth, and leaveth no doubt of their intention, in the introducing of Books so full of Popery and superstition.

Secondly the discharge of the high Commission by his Majesties Proclamation or Declaration cannot be sufficient, because first his Majesty declareth that he established the same for the ease and benefite of the Subjects, that justice might be administrate with the more conveniencie and lesse trouble of the people. And now dischargeth it, because the Subjects have mistaken His gracious intention: So that if the mistaking be removed, that which is conceived of it self to serve for administration of justice, with ease and benefite to the Subjects, may be established upon pretention of the removeall of all such mistakings. 2. Though the acts and deeds, made for establishing thereof be rescinded, yet the acts past heretofore by the high Commission are not rescinded And so the Subjects censured by it, are still esteemed under these censures: as appeareth by the tenour of the Proclamation, wherein the Assembly is taxed, as consisting of some members that are under the censures

tures of this Kirke, meaning the Bishops censure in the high Commission. 3. It being found contrare to the acts of Parliament, and acts of generall Assembly, and extreemly derogatory to them and all other subalterne judicatories both civill and Ecclesiasticall (which is made clearly manifest by a treatise presented to the generall Assembly) and it being devised and brought in by the suggestion of Bishops, as a meane whereby they might and have unlawfully tyrannized over all the Subjects: Therefore it is necessary that the Parliament and generall Assembly, the highest civill and Ecclesiasticall judicatories, that have been wronged, should by their severall sentences utterly abolish it as unlawfull and hurtfull.

Thirdly: whereas his Majesty dispenseth with the practise of Pearth articles, dischargeth all from urging the practise thereof, freeth from censures for not urging or practising them, notwithstanding of any thing contained in the acts of Parliament, or generall Assembly in the contrare, and is content that the Assembly take the same so far to their consideration, as to represent it to the next Parliament there to be ratified as the Estats shall finde fitting: These cannot satisfie, because, 1. a dispensation with the practise without a simple discharge leaveth it still arbitrarie to those who will practise, and so continueth the rent and distractions in this Kirke. 2. Although his Majestie had discharged the practise of them by His Proclamation, or Declaration, yet, the Subjects had not been put in security thereby except the generall Assembly (to whose tryall they belong and were referred by all the subscribers of the Confession in March) do either repell the articles of Pearth, or up-

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on good reason declare that Assembly null, since his Majesties Proclamation or Declaration is not a sufficient warrant to infringe an act of Assembly, or Parliament, made to the contrary. 3. By tying the Assembly to take the same no further unto their consideration then to represent it to the next Parliament, The Assembly is both prelimitate (whereanent refers to the six reasons against prelimitation insert in our Protestation September 22.) and weakened in power, as if it might not judge and determine in matters meerly Ecclesiasticall without a licence from his Majestie, or a reference to the Parliament, whereas the generall Assembly is supreme and independent in matters Ecclesiasticall, as the Parliament is in civill: so that when the acts of Assembly are ratified in Parliament, the same is for adjoyning the civill sanction to the Ecclesiastick constitution for the great terrour of transgressours.

Fourthly anent the oaths administrate to Ministers at their entry, is hath not only been pretended, but is certaine and will be made manifest to the Assembly, (which also now is done) that oaths have been exacted different from that which is set down in the acts of Parliament, and in many severall wayes according to the pleasure of the Prelats: And where his Majestie declares that no other oath shall be requyred of a Minister at his entry nor that which is set down in the act of Parliament, the same is of fearfull consequence, because the act bears an oath to be given unto the Bishop by Ministers intrantes, and so supposeth the office of a Bishop to be unchangeable and uncontraverted, whereby the Assembly is prelimited (against the reasons before mentioned) which may

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findethat office uselesse and unlawfull in this Kirke, and which now they have found upon most infallible reasons.

Fifthly that his Majestie assureth, generall Assemblies shall be kept as oft as the affairs of this Kirke shall requyre, doth not satisfie, because, 1. by leaving the tyme indefinite it prejudgeth the liberty of the Kirke of holding yearly generall Assemblies at least, and ofener *pro re nata*: ratified by the act of Parliament 1592. the disuse whereof hath been a maine cause of our evils which should be prevented in time comming, by renewing that ancient necessarie custome and liberty. 2. by the same act of Parliament it is provyded that the King or his Commissioner being present shall appoynt the time and place of the next Assembly: And in case his Majestie or his Commissioner be not present for the time in the town where the Assembly is holden, it shall be leasome to the said generall Assembly by themselves to appoynt the time and place of the next Assembly, as they have been in use in times past. But this declaration not only leaves all indefinit, but totally everts that power and liberty competent to them by law and custome. 3. As it doth not determine how oft the ordinary affairs of this Kirke requyere an Assembly (which the custome of this Kirke and act foresaid evidently manifest to be yearly once at least) so neither doth it determine who shall judge when the necessity of extraordinary affairs require an Assembly *pro re nata*: whereas undoubtedly the Kirke will be most sensible of her own necessities, and is the most proper judge of her own affairs: And therefore should have freedome to appoynt her own times when she

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finds her self pressed with present exigences, as his Majestie hath also power when he perceives any necessity requyring the same.

Sixthly, whereas his Majesty is content that all the present Bishops and their successours be answerable to, and censurable by the generall Assembly, it doth not satisfie, because, 1. it bears a prelimitation of the Assembly in the matter of trying that office, and presupposes the continuance thereof by succession as unquestionable. 2. They have been formerly made censurable by the generall Assembly in the straitest way that the Kirke could enjoin, or they could assure: And yet these thirty years they have shuned all censure (though all their actions deserved it) by procuring generall Assemblies to be prorogated, and then suddenly indicted, when they had cunningly prepared both persons and purposes to their minde: Likeas now they have by their declinatur refused to answer, and be censured by this present Assembly indicted by his Majestie, convened in the name of Christ, and persitely constitute in the members thereof: And therefore it lyeth upon this present Assembly to take some solide course, for securing the Kirke in all time coming against the prejudices of their former and frequent breaches contrarie to their oaths given.

Seventhly, whereas his Majestie requyreth this present Assembly to subscribe this confession of Faith formerly signed by his royall Father 1580. and lately commanded by his Majestie to be subscribed by all his majesties Subjects: The reasons contained in the Protestation September last 22. (whereto we adhear and repeats the same) do sufficiently evidence
that

that we cannot subscribe the same: to which we adde.
 1. that his Majesties Commissioner hath declared to
 the Lords of Session when their subscriptions was re-
 quyred, that it might subsist with the innovations in-
 troduced since the year of God 1580. which some of
 the saids Lords then did, & all of us do now conceive
 to repugne to the genuine and true sense of the con-
 fession of Faith as it was first made. 2. That his Grace
 hath protested diverse times in this Assembly, that
 nothing done or to be done therein prejudice the
 Archbishops and Bishops in their priviledges, places,
 power and jurisdiction: whereby he declareth that
 these may subsist with the confession of Faith, nor-
 withstanding they be novations introduced upon
 this Kirke contrare to the same since the year fore-
 said, as is now found be the Assembly. 3. That to
 the Assembly presently convened and perfectly
 constitute in the members thereof it pertaineth pro-
 perly according to the word of God, constitutions
 of this Kirke, and book of Policie, ratified in diverse
 Assemblies, to determine what is the true meaning
 of the confession of Faith, and to make the same
 known to all the members of this Kirke, who there-
 after without scruple or danger may subscribe the
 same. And although the Assembly could not finde
 this declaration satisfactory for these and the like
 weighty reasons, yet were they willing the same
 should be insert in their books for obedience to his
 Majesties desire: and thankfully acknowledging his
 Majesties pious affection to true religion, and royall
 resolution to defend the same and his Subjects in the
 profession thereof exprest in the closure of his royall
 declaration, they were confident that when his Ma-

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jestie shall be fully informed that the novations introduced since the year 1580. are incompatible with the confession of our Faith, He will be pleased graciously to vouchsafe His comfortable protection upon those, who (adhearing to the true meaning of that confession now fully cleared by the Assembly) have abjured all the innovations introduced, and by their great oath and subscription have bound themselves to maintaine the true religion, and his Majesties person and authority in defence of the same. And thus true religion being the channell which convoyeth both duties to their proper object, the evidence of Gods image in our dread Sovereigne His Depute shall be terrible to all the enemies of his Majestie, and of his loyall Subjects who stand for the confession of Faith and the true meaning thereof, and shall raise up the affections of His religious Subjects towards his Majestie above all earthly respects.

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And where it is subjoynd in the Proclamation that nothing was able to give contentment, except we were permitted to overthrow Episcopall government and to abrogate puplick laws standing and take away one of the three Estates, wee are sufficiently cleared thereof by the acts of the Assembly, abrogating, and abolishing Episcopall government in this Kirke for infallible reasons contained in the said act, and also by our answer published to the declaration emitted in the Commissioners name (which for brevity we forbear to insert herein) whereby we have sufficiently evinced that our proceedings are not contraire to the laws of the Kingdome, or destructive of any lawfull third Estate, and which part of the Proclamation doth close, with an undeserved imputation

tation to our loyalty, bearing that for the like dangerous acts so derogatory to royall authority, and for other reasons importing true Monarchicall government, the Commissioner was forced to dissolve the Assembly; but the same is so generally expressed, that it appeares evidently to be done of plaine purpose to make us hatefull, which we hope will not work that end, unlesse some speciall act of disloyalty or malversation could be specially condiscended upon (which undoubtredly had not been omitted if it had been possible) otherwayes that dark cloud of generall tearms cannot obfuscat the pure brightnesse of our sincere intentions, unlesse our true representation of grievances, and earnest humble pressing legall redresse thereof at his Majesties hands, may deserve that aspersiō in the eyes of these Councillours who think themselves oblidged rather in absolute obedience, than a ductifull representation to their Sovereigne, of what is just and warrantable, wherein we appeale to all the world, if either our proceedings, or opinions be any wayes derogatory to the true power of Monarchicall government or his Majesties authority, which we are oblidged to defend with our lives and fortunes by our Covenant.

And wherein the Proclamation, in that part thereof, anent the Commissioners discharge of the Assembly, is insinuate some expression of his Graces willingness to return the next morning to the Assembly, We declare that we were most sensible of the benefite of his Graces presence, and received great contentment by that countenance of royall authority in representation, whereof we would never have deprived our selves, if we had had the least signification

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of any such intention, but the truth is, that having called our selves to our best remembrances, we heard no word or expreffion tending that way; but by the contrarie we did humbly requyre his Grace to give in the reasons of his discontentment in write and to return the next day again, at which time we should give in sufficient answers therto which might wpe away all his Graces objections, and move him to continue his wished prefence to that Assembly, whereat He had publickly professed he could no longer assist: but this being refused and the Assembly discharged by Him, We were necessitate to protest both that day and the day following upon the mercate crosse of *Glasgow*, and to show, that in conscience of our duety to God and his truth, the King and his honour, the Kirk and her liberties, this Kingdome and her peace, this Assembly and her freedome, to our selves and our safety, to our posterity, persons, and estates, We could not dissolve the Assembly for the reasons following. 1. For the reasons already printed anent the conveening a generall Assembly, which are now more strong in this case, seeing the Assembly was already indicted by his Majesties authority, did convene and is fully constitute in all the members thereof, according to the word of God and discipline of this Kirke, in presence and audience of his Majesties Commissioner, who hath really acknowledged the same by assisting therein seven dayes, and exhibition of his Majesties royall declaration to be registrate in the books of this Assembly which accordingly was done. 2. For the reasons contained in the former Protestations made in name of the Noblemen, Barons, Burgessees, Ministers, and Commons, whereun-

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to we did then judicially, and do now actually adhere, as also unto the confession of Faith and Covenant subscribed and sworn by the body of this Kingdome. 3. Because as we are obliged by the application and explication subjoyned necessarily to the confession of Faith subscribed by us, so the Kings Majestie, and his Commissioner, and privie Councell, have urged many of this Kingdome to subscribe the confession of Faith made *in anno* 1580. and 1590. And so to returne to the doctrine and discipline of this Kirk as it was then professed, but it is cleare by the doctrine and discipline of this Kirk, that it was most unlawfull in the self, and prejudiciall to these priviledges, which Christ in His word hath left to his Kirke to dissolve or break up the Assembly of this Kirke: or to stop and stay their proceedings in constitution of acts, for the well-faire of the Kirke or execution of discipline against offenders, and so to make it appear that religion and Kirke government should depend absolutely upon the pleasure of the prince. 4. Because there is no ground of pretence, either be act of Assembly, or Parliament, or any proceeding practise, whereby the Kings Majestie may dissolve the generall Assembly of the Kirke of Scotland, far lesse his Majesties Commissioner, who by His commission hath power to indict, and keep it, *secundum legem & praxim*, but upon the contrary his Majesties prerogative royall is declared by act of Parliament to be no wayes prejudiciall to the priviledges and liberties which God hath granted to the spirituall office bearers, and meetings of this Kirke, which are most frequently ratified in Parlements, and especially in the last Parliament holden by his Majestie.

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Majestie himself which priviledges and liberties of
 the Kirk, his Majestie will never diminish or infringe,
 being bound to maintaine the same in integrity by so-
 lemne oath given at his royall coronation in this
 Kingdome. 5. The Assemblies of this Kirke have
 still enjoyed this freedome, of uninterrupted sitting
 without, or notwithstanding any contramand, as is
 evident by all the records thereof, and in speciall by
 the generall Assembly holden *in anno 1582.* which
 being charged with letters of horning by the Kings
 Majestie His Commissioner, and Councell, to stay
 their proces against Mr. *Robert Montgomerie* preten-
 ded Bishop of *Glasgow*: Or otherwayes to dissolve
 and rise, did notwithstanding show their liberty and
 freedome by continouing and sitting still, and with-
 out any stay going on in that proces against the said
 Mr. *Robert*, to the finall end thereof, and thereafter by
 letter to his Majestie did show clearly, how far his
 Majestie had been misinformed, and upon misinfor-
 mation prejudged the prerogative of *Iesus Christ* and
 the liberties of this Kirke, and did inact and ordaine
 that none should procure any such warrand or
 charge under the paine of excommunication. 6. Be-
 cause now to dissolve after so many supplications
 and complaints, after so many reiterated promises,
 after our long attendance and expectation, after so
 many references of proceses from Presbyteries, af-
 ter the publick indiction of the Assembly, and the
 solemne fast appointed for the same, and after fre-
 quent convention and formall constitution of the As-
 sembly in all the members thereof and seven dayes
 sitting: were by this act to offend God, contemne the
 Subjects petitions, deceave many of their conceived
 hopes

hops of redresse of the calamities of the Kirke and Kingdome, multiplie the combustions of this Kirk, and make every man despaire hereafter ever to see religion established, innovations removed, the Subjects complaint respected, or the offenders punished with consent of authority, and so by casting the Kirk and Estate loose and desolate, would abandone both to ruine. 7. It was most necessarie to continue this Assembly, for preveening the prejudices which might ensue upon the pretence of two Covenants, whereas indeed there is but one: that first subscribed in 1580. and 1590. being a nationall Covenant and oath to God, which is lately renewed by us with that necessarie explanation which the corruptions introduced since that time contrare to the same, enforced: which is also acknowledged in the act of Councell in September last, declaring the same to be subscribed as it was meant the time of the first subscription, and therefore, for removing that shame and all prejudices, which may follow upon the show of two different Covenants and confessions of Faith in one nation, the Assembly could not dissolve before it had tryed, found, and determined that both these Covenants are but one and the self same Covenant: The latter renewed by us, agreeing to the true genuine sense and meaning of the first as it was subscribed in *anno* 1580.

And further in the said Proclamation, the straine of our Protestation is taxed, because we have thereby presumed to cite those of his Majesties Councell who have procured, subscribed, or ratified this Proclamation, to be responsall to his Majestie and three Estates of Parliament, whereas the same cannot be justly

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justly quarrelled, because it is grounded upon the law of the Kingdome, and warranted by the act of Parliament therein cited 12. act Par. 2. *James 4.* which act is grounded upon good reasons: for it were strange to think that Councillours giving bad counsell to the evident prejudice and ruine of the countrey, and publick detriment of the good Subjects, should not be countable therefore to his Majestie and His Estates: and it is not without instance in our laws, that perverse counsell hath been given in misguiding the Kings and common good of this realme act 6. Par. 1. *James 4.* which is also acknowledged by the reduction of grants made by Kings to these perverse Councillours act 3. Par. 4. and act 5. Par. 1. *James 4.* The perversenes of which misguiding counsell, hath been assuredly the cause why in the next Parliament in the year immediatly subsequent, the Kings Councill was chosen in Parliament, and sworn in presence of the King and three Estates, and ordained to be responsall and accuseable to the King and three Estates for their counsell. Which cleareth that both evil counsell may be given, and that the Councill may be accused before the King and Parliament for malversation in their charge. Like as his Majestie in the Proclamation, makes all persons lyable to the Parliament and generall Assembly, and so giveth way to this previous citation, which may serve for a forewarning and intimation that they may be accused if they bee guilty, as we know all are not, and wish that none were.

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All which heavy objections and imputations are premitted in the Proclamation to the conclusion and command thereof, which resolveth into two heads
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the 1. discharging obedience to the acts of Assembly, and liberating all who shall disobey from censure, and promising Protection to the disobeyers, and inhibiting all Presbyteries, Sessions of Kirks, Ministers within this realme in their Sermons, Sessions, and meetings, or any otherwayes, to authorize, approve, or allow, the Assembly at Glasgow, or do any deed which may countenance the same, under paine to be punished with all rigour: And commanding all who shall heare them, to delate the same, under paine of the like punishments, likewayes straitly charging and commanding all Iudges within this realme, Clerks, and Writers, not to grant or passe a bill, summond, or letters, or any other execution whatsoever, upon any act, or deed, proceeding from the said Assembly: and all keepers of the Signet from Signeting thereof, under all highest paine. And the second head commanding all Subjects to subscribe and swear the Confession commanded by his Majestie conforme to the sense and meaning of the declaration published by the Commissioner, whereunto we need not here make any answer, but remits the same to a speciall answer published in print made to that declaration. But for the first the same is so far repugnant to the word of God, practise of the primitive Kirke, the laws civill and canonically, the custome of all nations, the constitutions of our generall Assemblies, acts of Parliament, practise of other judicatories within this Kingdome, to the confession of Faith and discipline of this Kirke, as we cannot believe any such commandments to proceed from our gracious King, but from the malice and misinformation of our adversaries, the conscience of

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Proclamation,
and our
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therunto.*

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whose guiltinesse affrighteth them to undergo their deserved censure, which is clear. 1. That the same is contrare to the law of God, from that place of Scripture *Matt. 18.* Where in the Kirk is commanded absolutely to inflict censures. *1. Cor. 5.* Wherein the Kirk did execute that commandment. And the Kirks of *Pergamus* and *Thyatira*, are reprov'd for not executing Ecclesiasticall censures against those who held the doctrine of *Balaam*, or of *Iezabel*. *2. Rev.* So that the power of the keys in Ecclesiasticall censures is so intrinsecally and so essentially competent to the Kirk and general Asseembly *jure divino*, as obedience to her decreets and executions thereof cannot be suspended, far lesse taken away and discharged by humane authority, more nor the power of preaching & administration of the Sacraments. 2. It is contrare to the practise of the Apostolick and Primitive Kirks, whose constant practises was to execute the Spirituall functions and censures, and notwithstanding humane prohibitions, to obey God rather than man. 3. It is contrare to the civill law, *si contra jus vel utilitatem publicam, vel per mendacium fuerit aliquid postulatum vel impetratum ab imperatore. Et titulo de diversis rescriptis & pragmaticis sanctionibus.* 4. The same is contrare to the Cannon law *decret. decretal. extravagan. titulo de rescriptis.* 5. It is contrary to the vniversall custome in all nations ordaining their Iudicatories to do justice, notwithstanding their Princes prohibition: as is cleare by *Conuarnvia* in *Spaine*, *Pappon* in *France*, *Suedwyne* in *Germanie*, &c. upon the title *de rescriptis aut constitutionibus principum.* 6. To the constitutions of generall Assemblies: because in sundry generall Assemblies upon complaints made that

that the Kings Majestie and his Councell by their letters offered some stope to the Kirk from going on in her Ecclesiasticall censures, especially by act of the generall Asseembly conveaned in the new Colledge of *Sanct-andrews*, 20. April 1582. It is ordained that none being receaved to any Ecclesiasticall function, office, or benefice, seek any way by the civill power to exerce and withdraw themselves from the jurisdiction of the Kirk, or procure, obtaine, or use any letters, or charges, either be themselves, or any other in their name or at their command and instance, to impare, hurt, or stay, the said jurisdiction, discipline, correction of manners, or punishment of their offences, and enormities, or to make any appellation, from the generall Asseembly, to stope the discipline, and ordour of the Ecclesiasticall pollicie, and jurisdiction granted by Gods word to the office-bearers within the said Kirk, under the paine of excommunication summarly, without any proceffe, or admonition to be pronounced by the judgement of the Eldership, by the Minister, or Ministers which shall be appointed by them, how soon it is known that any of the saids heads are transgressed; Likeas both the Kings Majestie and his Councell promised that none thereafter should have that cause to complaine: as is manifest by the act of Asseembly at *Montrose* in July 1597. And in the Asseembly holden at *Sanct-andrews* 24. Apryl 1582. being charged with letters of horning not to proceed against Mr. *Robert Montgomerie*, the Asseembly did write to his Majestie that this discharge was extraordinary, as a thing that was never heard nor seen since the world began and was directly against the word of God and laws of the

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Kingdome. And yet notwithstanding of the said charge the Assembly did proceed and excommunicate the said *Mr. Robert*. Further in the Assembly at *Edinburgh* the 27. of Iun 1582. Sess. 7. amongst the grievances presented by the Kirk to the King, the first is that his Majestie by devise of some Councellours is moved to take upon him that spirituall power and authority which properly belongeth to Christ as only King and head of his Kirk, the Ministerie and execution whereof is only given to such as bear office in the Ecclesiasticall government of the same, so tharin his Majesties person some men preasse to erect a Popedome, as though his Majestie could not be full King and head of this Commonwealth unlesse alswell the spirituall as temporall sword be put in his Majesties hands, unlesse Christ be rest of his authoritie, and the two jurisdictions confounded, which God hath divided, which directly tends to the wrack and overthrow of all true religion, &c. And in the Assembly holden at *Edinburgh* in October 1582. Sess. 15. Summons are directed be the generall Assembly against the Kings Advocate, for drawing up the Kings Proclamation of that straine. 7. The foresaid command is also contrare to the acts of Parliament: because as the acts of Parliament appointeth every matter for its own Iudicatorie and to all Iudicatories there own freedome, so much more doth this liberty belong to the nationall Assembly being the supreme Iudicatory Ecclesiastick of this Kirk and only competent Iudge in matters so important, and so neerly concerning Gods honour and worship immediatly, the salvation of the peoples souls, the settling of the purity of Gods worship,

ship, the purging away the corruptions thereof, and right constitutions of the Kirke whose liberties and priviledges are confirmed Par. 12. King *James 6.* and Par. 1. King *Charles.* Likeas by the 12. Par. 114. act King *James 6. anno 1592.* The libertie and discipline of the Kirk especially in her Presbyteries and Assemblies are fully and firmly ratified, with declaration, that the act of the Kings Majesties prerogative royall over all Estates and persons shall nowayes be prejudiciall to the priviledges which God hath given to the spirituall office-bearers in the Kirk, concerning heads of religion, matters of heresie, excommunication, collation, and deprivation of Ministers, or any suchlike essentiall censures especially grounded and having warrand of the word of God, with full power even to the particular Presbyteries to put order to all matters and causes Ecclesiasticall within their bounds, according to the discipline of the Kirke. 8. The Lords of Councell and Session by act 92. Par. 6. King *James 6.* are ordained to proceed in all civill causes intended or depending before them, or to be intended, and to cause execute their decrees, notwithstanding any private writting, charge, or command from the Kings Majestie, or His Councell in the contrare and by the 47. act, 11. Par. King *James 6.* All licences and supersederes purchast from his Majestie, are discharged as contempt done to the law, as great hurt to the lieges, and contrare to justice, and declareth the same to be null of the law, and not admissible be any judge, nor effectuall to the purchaser any wayes, and ordaineth all judges within this realme to proceed and do justice, siclike and in the same maner as if the said supersederes & licences never had been purchast nor produced. Likeas by the 106. act

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Par. 7. King *James 6.* All licences granted be his Majestie to hinder the execution of acts against Papists and other adversaries of the true religion are discharged and declared to be of no force. According to which it hath been the ordinary custome both in civil and Ecclesiasticall Iudicatories (notwithstanding of privie warrants or prohibitions contrare to law which commonly are impetrate from his Majestie upon misinformation) to proceed and minister justice. 9. To discharge obedience to the acts of the Assembly, stoppe the execution thereof, protect and defend such as are delinquents and under the Kirks censure, doth directly repugne to the large confession of Faith of this Kirk. Wherein Cap. 19. the third mark of the true Kirk is affirmed to be upright, ministration of Ecclesiasticall discipline, as Gods word prescribes, for establishing good ordour and representing of vice: and so no more can be impeded nor justly taken from the Kirk then any of her other two marks viz. The right preaching of the word and ministration of the sacrament: And therefore in the oath at the Kings coronation, he sweareth to maintaine this Confession, and these three marks of the Kirke, and particularly that he shall be carefull to root out of his Empire all Hereticks and enemies to the worship of God, that shall be convicted be the true Kirk of God of the foresaids crimes. 10. In the short confession of Faith sworn 1580. and 1590. and renewed by the greatest and best part of this Kirke and Kingdome, with an explication renewed also at his Majesties command by his Councell: All are bound to continue in obedience of the doctrine and discipline of the Kirke and defend the same according to their vocation

cation and power. So that seeing this generall Assembly hath proceeded in their constitution, acts, and whole proceedings according to the discipline of this Kirke of *Scotland* 1580. and 1590. contained in the second book of discipline: which in both these years were ordained to be registrate and sworn to by all the Ministers of this Kirk, as the discipline thereof, and wherein the civill and Ecclesiasticall jurisdiction are so clearly distinguished in the 1. Cap. Lib. 2. as the power of the sword may nowaies stope or impede the power of the keyes: and in the 7. Cap. the Eldership and Assemblies hath power to execute Ecclesiasticall punishment upon all transgressours and proud contemners of the Kirk. And in the 10. cap. the office of the Christian Magistrate is descryved to assist and maintaine the discipline of the Kirk, and punish those civilly who will not obey the censures thereof, without confounding alwayes the one jurisdiction with the other: and this order of Ecclesiasticall discipline, condescended upon in general Assemblies as warranted by divine authority to be executed notwithstanding any humane inhibition, is set down before the Psalmes in metter: and therefore we can never expect that his Majestie, who out of his pious inclination to justice by a late Proclamation 22. September last hath declared and ordained that all His Subjects both Ecclesiasticall and civil shall be lyable to the tryall and censure of generall Assembly or any other Iudicatorie competent, will now stay the execution of the lawfull and grave sentences of this nationall Kirk, so comfortable to us, and so necessarie for maintaining the purity of religion: which his Majestie in the end of the articles before mentioned hath

promised.

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promised to defend, and His Subjects in the profession thereof, which is incompatible with the defence of excommunicate and obstinate persons. But therefore we are assured that his gracious Majestie will be pleased to allow that reverence and all ready obedience may be deferred to the whole acts, constitutions, and censures of the said generall Assembly, by all His Subjects, who undoubtedly and necessarily are obliged to obedience of all the lawfull commands and injunctions of the mother Kirk if they would be accounted members or sons thereof.

By all which cloud of weighty reasons the warrantablenesse of our just proceedings doth evidently appear, notwithstanding of all the arguments of challenge adduced against us in the said Proclamation: And therefore for these and many other reasons, We the members of this Assembly, in our own names, and in the name of the Kirke of Scotland, whom we represent, And we Noble-men, Barrons, Gentlemen, Ministers, Burgessees, and Commons; before mentioned, do solemnly declare in the presence of the everliving God and before all men: And protest

1. That our thoughts are not guilty of any thing which is not incumbent to us, as good Christians towards God, and loyall Subjects towards our Sacred Sovereigne. And we attest God the searcher of all hearts, that our intentions and whole proceedings in this present Assembly have been and shall continue according to the word of God, the laws and constitutions of this Kirke, the confession of Faith, our nationall oath, and that measure of light, which God the Father of light hath granted unto us, and that in the sincerity of our hearts, without any pre-occupation or passion. That

That it was and is most lawfull and necessary for us to sit still and continue in keeping this present Assembly indicted by his Majestie, untill after conclusion of all matters it be dissolved by common consent of all the members thereof, and that for trying judging and censuring all the by-gone evils, and the introductors, and provyding a solide course for the continuance of Gods truth in this land with puriry and liberty, according to his word, our oath and confession of Faith, and the lawfull constitutions of this Kirke.

That this Assembly is and should be esteemed and obeyed as a most lawfull, full and free generall Assembly of this Kingdome. And that all acts sentences, constitutions, censures and proceedings of this Assembly (whereof the generall and principall acts are to be published,) are in the self, and should be reputed, obeyed, and observed, by all the Subjects of this Kingdome, and members of this Kirke; as the acts, sentences, constitutions, censures and proceedings of a full and free generall Assembly of this Kirke of Scotland: And to have all ready execution, under the Ecclesiasticall paines contained or to be contained therein, and conformie thereto in all points, and suchlike that whosoever presumeth to utter any unduerisfull speech against the same, may be duely censured and condignely punished.

We protest that all and every member of this reformed Kirke cfoldly and faithfully joyn and concurre in their severall callings and stations, to advance further and assist the execution and obedience of the whole acts of this Assembly, by all means which their ability can afford: as they affect the advance-

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ment of Gods glory and the work of reformation in this land.

5. We protest against all the challenges and aspersions laide upon us in the said Proclamation, and that our whole answers are not only true in every poynt; but likewise sufficiently forceable to deliver us from all unjust imputations, & to justify the lawfulness and necessity of our whole proceedings and carriage, which hath been so unreasonably blamed. Likeas by these presents we summond and cite all those of his Majesties Councell, or any other, who have procured, consented, subscribed, or ratified this present Proclamation, to be responsible to his Majestic and three Estates of Parliament, for their counsell given in this matter, so highly importing his Majestic, and the whole realme; conforme to the 12 act Par. a King *James 4.* And protest for remead of law against them and every one of them.
6. We protest that it is and may be lawfull unto us to defend and maintaine the religion, laws, and liberties of this Kingdome, the Kings authority in defence thereof, and every one of us another in that cause according to our power, vocation, and Covenant, with our best counsell, bodies, lives, means, and whole strength, against all persons whomsoever: and against all externall, and internall invasions, and that in the obedience and observance of the acts of this Assembly and nationall mother Kirk.
7. That whatsoever inconveniencies shal fall out by impeding, molesting, or staying the observance and obedience due to the acts, ordinances & conclusions of this Assembly, or execution to follow thereupon, that the same be not imputed unto us, or any of us, in our lawfull

lawfull defence and mainenance thereof, who most ardently desired the concurrence of his Majesties Commissioner to this lawfull Assembly, and do yet still with humble vehemencie beg his Majesties gracious approbation thereunto, but on the contrarie that the Prelates and their adherents, who have protested, and declined this present Assembly in conscience of their own guiltinesse, not daring abide to any legall tryall, and by their misinformation did move the Commissioner his Grace, to depart and discharge this Assembly, be esteemed, reput and holden (as they truly are) the disturbers of the peace and overthrowers of the liberties of the Kirk, and guilty of all the evils which shall follow hereupon, and condignly censured according to the greatnesse of their faults and acts of the Kirk and realme.

We protest that none hereafter subscribe the Covenant formerly subscribed by the Commissioner his Grace in Councell, as they will eshew the danger of a contradictory oath, but that all and every one subscribe the Covenant renewed in Februarie last. And that with this sense, meaning, and condition, that they subscribe the same conforme to the determination and declaration of this Assembly at *Glasgow* allanerly.

We protest that as wee adheare till all former Protestations and every one of them made in the name of the Noblemen, Barrons, Gentlemen, Ministers, and Commons *respective* for the time, So we may have his Majesties royall approbation to this present Assembly, whole acts and constitutions thereof, and all our proceedings and behaviour in this businessse, which we assuredly expect from his Majesties.

8.

9.

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flies imbred piety, justice, and bounty, notwithstanding the sinistrous, untrue informations, whispered in his Royall eares in the contrary.

Upon all which Premises and Protestation fore-
said (which is the same with the former made by us
at *Glasgow*, the 29. of November last, but so far dif-
fering as was necessary for answer to the new addi-
tions contained in this Proclamation; and clearing us
of the aspersions wherewith we are charged there-
in, which we might lawfully do, having protested
for this liberty in respect of our surprisall) Ane
certaine number of all qualities and ranks for them-
selves, and in name foresaid, asked instruments. This
was done in presence of a great confluence of people
upon the mercate crosse of *Edinburgh* the 18. day
of December. 1 6 3 8.

S. Y. N.

Perlegi hunc tractatum capitulatus est (A) Protestation, &c.) in quo nihil reperto sine doctrina, aut bonis moribus contrarium quo minus summa cum utilitate imprimatur intra mensem ab Iacobo Bryfano.

Edinburgi S.

147. 1639.

ARCHIE MONSTON.

C.L.S. Edge.

Wm. A. Wooding to the admiral of the gun
at home Mr. Wooding clerk of the court

Fl. 24

A. L. Houston

23

of Warren's